

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

ANGELA DENISE NAILS,)	
)	
PLAINTIFF,)	
)	
v.)	CASE NO.: 1:06-cv-246-MEF
)	
EUGENE PRESTON, <i>et al.</i> ,)	
)	
DEFENDANTS.)	

MEMORANDUM OPINION AND ORDER

On March 24, 2006, the United States Magistrate Judge entered the Recommendation of the Magistrate Judge (Doc. # 6) that this action and Plaintiff's claims be dismissed without prejudice for lack of subject matter jurisdiction. The case is now before the court on the Recommendation of the Magistrate Judge (Doc. # 6) and the Objection to the Recommendation (Doc. # 7) filed on April 6, 2006.

After an independent review of the file, it is the ORDER, JUDGMENT, and DECREE of the court:

a. That the Objection to the Recommendation (Doc. # 7), filed by Plaintiff on April 6, 2006, is OVERRULED; and

b. That the Recommendation of the Magistrate Judge (Doc. # 6) is ADOPTED. Plaintiff has invoked this court's subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a). She admits, however, that she and Defendants are resident citizens of Alabama. Moreover, she asserts that she is suing for "a total of \$75,000[.]" For subject matter jurisdiction to be

proper pursuant to the provision on which Plaintiff relies, the amount in controversy must *exceed* \$75,000, which it does not, and the plaintiff must be a citizen of a different state than the defendants, which she is not. For these reasons, this case and Plaintiff's claims are due to be DISMISSED WITHOUT PREJUDICE because this court lack subject matter jurisdiction over them.

The court will entered a separate final judgment consistent with this Order.

DONE this the 7th day of April, 2006.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE